

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STEPHEN NICOLAS LYNCH,)
v.)
Appellant,)) Case No. 15-CV-00364-JED-FHM
KENNETH K. KLEIN, JUDI KLEIN; KRISTIN)
KLEIN DAFFERN; ERIC M. DAFFERN; KLEINCO)
RESIDENTIAL CONSTRUCTION, LLC, an Oklahoma)
Limited Liability Company; ROBERT B. SARTIN;)
STEVE SOULE; PATRICK J. MALLOY III; BOKF,)
N.A.; SCOTT F. LEHMAN; CFR, INC.; WESTPORT)
INSURANCE CORPORATION; BRUCE A. McKENNA;)
CHRISTOPHER PETTET; & VALERIE MITCHELL)
Appellees.))
)

MOTION OF APPELLEE PATRICK J. MALLOY (MALLOY)
TO DISMISS FOR ABANDONMENT OF CLAIMS AND PARTIES AND REQUEST
FOR EXPEDITED CONSIDERATION

Malloy seeks an order of this Court dismissing him from this appeal. In support of this Motion

Malloy states:

1. Malloy would first incorporate by reference all allegations and arguments contained in the Motion and Supporting brief filed herein by Westport Insurance Corporation and Bruce McKenna with respect to abandonment of claims and/or parties on appeal.
2. As applied to Malloy specifically, in the underlying Complaint the Appellant only sought relief from Malloy in the Second and Eleventh Causes of Action. In the appellant's opening brief the Appellant does not even address the Eleventh Cause of Action and thus abandoned any claims based on that cause **as to all parties**.

3. With respect to the **Second Cause of Action**, Appellant's brief makes no mention of Malloy or the original allegations against him or even attempts to address the issues related to the Bankruptcy Court's order dismissing all claims against Malloy. As a result and pursuant to the authorities already cited herein all claims against Malloy have been abandoned.

Wherefore, Malloy prays for an order:

- a) dismissing this appeal with prejudice, as to the Appellee Malloy;
- b) granting expedited consideration of this motion;
- c) any and other further relief this Court deems just and proper.

Respectfully submitted,

MALLOY LAW FIRM, P.C.

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